

RM 8577

**OFFICE OF COMMISSIONER RACHELLE B. CHONG**  
**Federal Communications Commission**  
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**Washington, D.C. 20554**  
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April 18, 1995

Mr. John Patton  
Director  
County of Santa Barbara  
Planning and Development  
123 East Anapamu Street  
Santa Barbara, California 93101-2058

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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Re: Cellular Telecommunications Industry Association's Petition to  
Preempt State and Local Zoning Regulations

Dear Mr. Patton:

Thank you very much for your letter about the petition filed by the Cellular Telecommunications Industry Association (CTIA). This petition asks the Commission to begin a rule making proceeding to preempt state and local regulation of tower siting for commercial mobile radio service providers, such as cellular and personal communications service (PCS) companies. I am very interested in this issue, and welcomed the opportunity to hear your thoughts on it.

I certainly understand your concerns about the CTIA petition and its impact on the role of local jurisdictions in the cell siting process. Traditionally, cell siting issues are handled at the local level. By and large, this situation has been appropriate, given that zoning and land use issues involve uniquely local concerns, such as aesthetics and compliance with local building codes or other health and safety codes. I believe local authorities should continue to play a key role in these decisions.

However, as the demand for sites for wireless carriers continues to mushroom, I am also concerned about the ability of wireless providers to build out their networks without undue delay. There are many benefits to having national or regional wireless communications systems -- emergency communication abilities are enhanced, and people use wireless communications to become more efficient and productive. Further, new PCS licensees are paying the U.S. treasury billions of dollars for their licenses, which are regional and national in nature. I think it's fair for the federal government to ensure that these licensees are able to build their facilities throughout their service areas in a timely fashion. Moreover, some carriers complain that some localities may like to put a moratorium on all wireless cell sites in

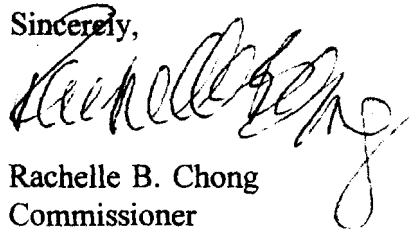
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certain geographic areas. For this reason, I believe the Commission also has an important role to play in this area to ensure ubiquitous and broad coverage without undue delay.

Having said that, I have not yet made any decisions about the CTIA petition. I believe that the Commission must balance the federal interest in ensuring the development of a competitive, efficient mobile services infrastructure against the legitimate interests of local governments in regulating zoning and land use matters. I am open to considering all options available to the Commission to strike the appropriate balance, and hope that you will work with us to find an acceptable solution for both our concerns.

I appreciate your taking the time to share your concerns with me. I will certainly keep them in mind as we consider the CTIA petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachelle B. Chong", written over the printed name and title.

Rachelle B. Chong  
Commissioner



# County of Santa Barbara Planning and Development

John Patton, Director

March 29, 1995

Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20036  
Attn: Commissioner Chong

RE: **Petition for Rulemaking:** Request for Amendment of Commission's Rules to Preempt State and Local Regulation of Tower Siting for Commercial Mobile Services and Providers

Dear Commissioner Chong:

It has recently come to the attention of our County that a petition has been filed by the Cellular Telecommunications Industry Associations which requests that the FCC preempt the authority of state and local government to regulate the siting of cellular/wireless communications facilities. It came to our attention through notice that was provided to us by the California Public Utilities Commission (CPUC) just prior to the March 6, 1995 filing date. Given the inadequate noticing by the FCC, we feel that it is appropriate to file a formal response to the petition at this time. The County of Santa Barbara Planning and Development Department opposes the change in rules for the reasons discussed below.

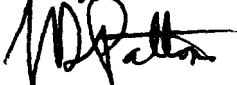
For many years, the County has been working effectively with the cellular communications industry to permit cellular sites throughout the County in order to fulfill their FCC requirements for complete coverage. In the past five years, the County has worked with Cellular One, GTE Mobilnet, and others to permit approximately 25 cellular and other types of communications sites in our County. None of the applications for these cell sites have been denied by our permitting bodies, nor have they been required to re-apply to relocate to alternative sites. Throughout the process, the County of Santa Barbara has worked with these cellular companies to ensure approvable projects by minimizing environmental impacts and ensuring consistency with our comprehensive plan. While the County does not maintain specific development standards to guide communications facilities, consistent processing of applications has given the industry enough guidance to be able to submit application packages which generally pre-mitigate impacts associated with these facilities. The County is working with the cellular industry to develop siting standards which could further streamline permitting in the expectation of a large number of future applications based on the Commission's recent action to increase the number of competitors in this field. The County is greatly concerned that removing local and state authority to regulate such facilities would lead to significant environmental impacts and conflicts with locally adopted plans. These conflicts do not occur at this time.

Our argument is that first, the existing system works, and successfully manages conflict between the cellular providers and the public, and second, that the FCC will be poorly served by preempting local regulation. I do not believe the FCC itself will be able to deal with all the micro-level siting issues which cause conflict. On the other hand, failure to engage the issue will turn the public against the industry in the long run.

Santa Barbara County is not unique in having a citizenry which takes seriously management of the place and manner of development, particularly development which has significant cumulative public visibility. The actual consequence of a decision to preempt will be endless calls from affected citizens to their federal representatives, who will then be calling you.

Since we have successfully dealt with these siting issues in the past and wish to continue representing and balancing the interests of the public and the industry, keeping local control of these siting issues makes the best sense.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Patton', with a stylized flourish at the end.

JOHN PATTON  
Director

xc: Senator Dianne Feinstein  
Senator Barbara Boxer  
Representative Andrea Seastrand  
CPUC